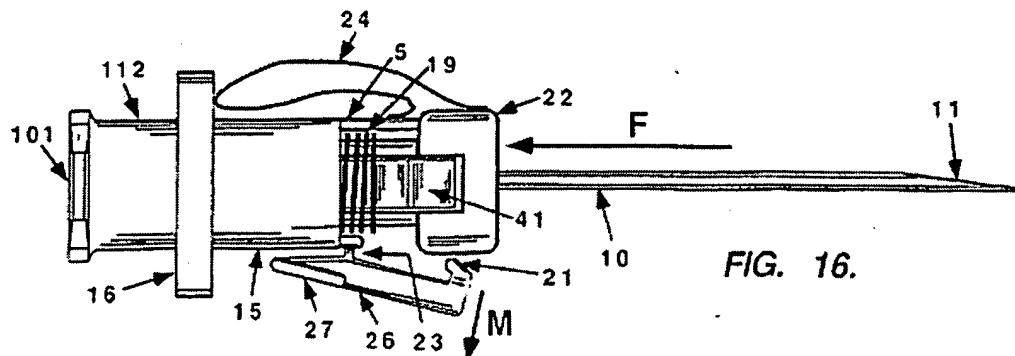


REMARKS

Claims 1-5, 7, 8, 11-14, 33 and 35-41 are currently pending in this application. By this amendment, Claims 1, 2, 33 and 38 have been amended and Claims 6, 9, 10, 15-31 and 34 have been canceled. Claims 9, 10 and 15-32 have been canceled without prejudice as being drawn to a non-elected invention. Applicants reserve the right to include the subject matter of the non-elected claims in one or more subsequently filed divisional applications. No new matter has been added by this amendment. In view of the amendments above and the remark to follow, reconsideration and allowance of this application are respectfully requested.

In the Office Action, Claims 1-6, 9 and 11-13 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,879,337 to Kuracina et al. ("Kuracina"). As discussed by the examiner in the Office Action, FIG. 16 of Kuracina, reproduced below, illustrates a needle tip guard for a hypodermic needle including a needle 10, a guard assembly 22, a compressed resilient member 19 and a movable latching arm 26. Guard assembly 22 includes a tip guard 41. Member 19 urges tip guard 41 inwardly ahead of a sharpened needle tip within guard assembly 22. See FIG. 18 reproduced below.



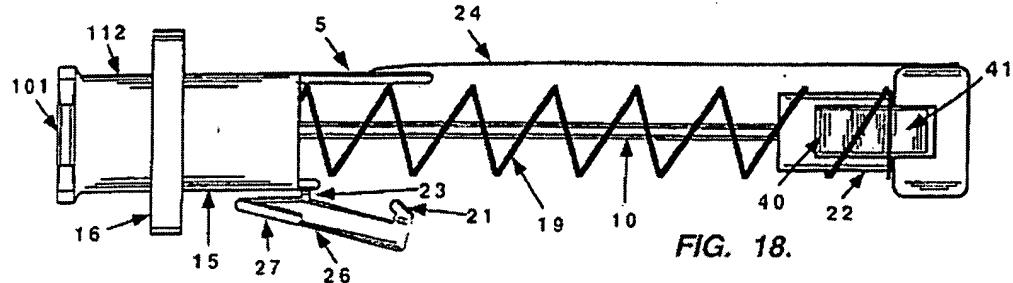


FIG. 18.

Claim 1 as amended recites a safety shield apparatus including, inter alia, “a needle having a distal portion defining a first longitudinal axis and a proximal portion defining a second longitudinal axis...disposed at angle to the first longitudinal axis”, a shield, and a “planar contact surface including a needle linear bearing that slidably engages the needle...wherein the needle and the shield are movable in relation to the needle linear bearing.” Kuracina fails to disclose or suggest such an apparatus. More specifically, Kuracina’s needle is linear and does not include proximal and distal portions which are angularly disposed. Nor does Kuracina’s device include a planar contact surface which includes a needle linear bearing that slidably engages the needle or a needle linear bearing which is movable in relation to a shield and needle.

In the Office Action, the Examiner contends that Kuracina discloses a planar contact surface (22) which includes “a needle linear bearing (47) that slidably engages the needle...” See FIG. 23 of Kuracina reproduced below. Applicants respectfully disagree with the Examiner’s characterization of Kuracina. More specifically, element 22 of Kuracina, identified as the planar contact surface by the Examiner, is actually Kuracina’s needle guard or shield and element 47 of Kuracina, identified by the Examiner as a needle linear bearing, is actually a guide aperture of the shield of the needle guard. Kuracina does not disclose a shield in combination with a planar contact surface and needle linear bearing such as recited in Claim 1. Kuracina’s needle guard

and needle linear bearing are defined by the same element, i.e., needle guard 22. However, even if one were to read the claims in the manner suggested by the Examiner, Kuracina still does not disclose an apparatus wherein “the needle and the shield are movable in relation to the needle linear bearing” such as recited in amended Claim 1, i.e., since Kuracina’s shield and linear bearing are defined by the same element, one cannot move in relation to the other. As such, Claim 1 patentably defines over Kuracina. For at least these same reasons, *inter alia*, Claims 2-5 and 11-13, which depend from Claim 1, also patentably define over Kuracina.

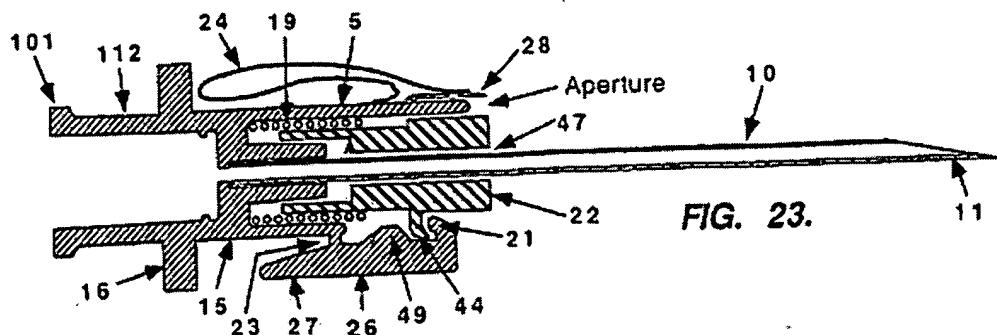


FIG. 23.

In the Office Action, Claim 14 was rejected under 35 U.S.C. § 103(a) over Kuracina. Claim 14 depends from amended Claim 1 which, as discussed above, patentably defines over Kuracina. For at least the reasons discussed above with respect to Claim 1, Claim 14 also patentably defines over Kuracina.

In the Office Action, Claims 1, 7, 33, 36, 38 and 39 were rejected over U.S. Patent No. 6,824,530 to Wagner et al. (“Wagner”) in view of Kuracina. In the Office Action, the Examiner states the following:

“Wagner meets the claim limitations as described above but fails to include the planar contact surface having a linear bearing that slidably engages the needle and a latch. However, Kuracina discloses such a

Appl. No. 10/016,276
Amdt. Dated July 27, 2006
Reply to Office Action of February 27, 2006

linear bearing and latch.”

As discussed above, Kuracina does not disclose or suggest a safety shield apparatus which includes, inter alia, “a planar contact surface including a needle linear bearing that slidably engages the needle...wherein the needle and the shield are movable in relation to the needle linear bearing” as recited in Claim 1. Since by the Examiner’s own admission, Wagner also does not disclose such a needle linear bearing, Applicants believe that Claims 1 and 7 patentably define over Wagner and Kuracina, taken alone or in combination.

Claim 38 also recites a safety shield apparatus including a “planar body contacting surface including a needle linear bearing that slidably engages the needle...the needle and the shield means being movable in relation to the needle linear bearing.” As discussed above, neither Wagner nor Kuracina disclose such an apparatus. For at least this reason, Claim 38, and Claim 39 which depends therefrom, patentably define over Wagner and Kuracina, taken alone or in combination.

With respect to independent Claim 33, Applicants gratefully acknowledge the Examiner’s indication that Claim 34 would be allowable if rewritten in independent form. Claim 34 has been rewritten in independent form by incorporating the details of Claim 34 into Claim 33 and canceling Claim 34. Accordingly, independent Claim 33 and Claims 35-37 which depend therefrom are believed to be in condition for allowance.

In the Office Action, Claims 8, 35, 37 and 40 were rejected under 35 U.S.C. § 102(e) over Wagner in view of Kuracina and further in view of U.S. Patent No. 5,997,504 to Bell (“Bell”). Claims 8 and 40 depend from Claim 1. As discussed above, Claims 1 patentably defines over Wagner and Kuracina. Bell fails to cure the deficiencies of Wagner and Kuracina as

Appl. No. 10/016,276
Amdt. Dated July 27, 2006
Reply to Office Action of February 27, 2006

discussed above. Thus, Applicants believe that Claims 8 and 40 are in condition for allowance.

It is noted that Claims 35 and 37 depend from Claim 33 which has been amended, as suggested by the Examiner, to include the details of Claim 34. Accordingly, Applicants believe that Claims 35 and 37 are also in condition for allowance.

New Claim 41 has been added and depends from Claim 38, which as discussed above, is believed to be in condition for allowance. As such, new Claim 41 is believed to be in condition for allowance.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely Claims 1-5, 7, 8, 11-14, 33 and 35-41 are in condition for allowance. Should the Examiner feel that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicant's attorney at the number indicated below.

Respectfully submitted,

Christopher G. Trainor

Christopher G. Trainor
Reg. No. 39,517
Attorney for Applicant(s)

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road - Suite 225
Melville, New York 11747
(631) 501-5700
(631) 501-3526 (fax)